UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAY 13 AM 9:58

CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v.	Magistrate Case No. '08 MJ 1485
Def#1) **Juan Jose TOVAR-Orozco,** Def#2) **Margarito GARCIA-Mondragon** Defendant(s)	COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens; Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

COUNT 1

On or about **May 12, 2008,** within the Southern District of California, defendant **Juan Jose TOVAR-Orozco** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Miguel ALVAREZ-Ocampo, Catalino ARROYO,** and **Jose RAMIREZ-Espinoza** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT 2

On or about **May 12, 2008,** within the Southern District of California, defendant **Margarito GARCIA-Mondragon,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Miguel ALVAREZ-Ocampo, Catalino ARROYO,** and **Jose RAMIREZ-Espinoza,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **13th** DAY OF MAY **2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Def#1) Juan Jose TOVAR-Orozco,
Def#2) Margarito GARCIA-Mondragon

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Miguel ALVAREZ-Ocampo, Catalino ARROYO,** and **Jose RAMIREZ-Espinoza** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 12, 2008, Border Patrol Agents assigned to San Diego Sector Smuggling Interdiction Group (SIG) were conducting anti-smuggling duties in the Brown Field Station State Route (SR) 94 Immigration checkpoint area of operations. Agents were in plain-clothes and utilizing unmarked DHS vehicles. This area in and around the SR 94 checkpoint is notoriously used by alien smuggling organizations as a load up spot for illegal entrant aliens that have circumvented the SR 94 checkpoint avoiding inspection or apprehension by immigration officials.

At approximately 8:45 a.m., Agents L. Gutierrez and E. Penagos responded to a citizen call advising Agents that four suspected illegal aliens were walking near the Pick Up Stix restaurant in Rancho San Diego, California. After arriving in the area, the agents observed the four possible illegal aliens walking near the Pick Up Stix restaurant westbound towards the McDonalds restaurant. Agents Gutierrez and Penagos observed the four subjects meet up with a fifth subject at the Ralph's grocery store located across from the McDonald's restaurant. The fifth subject later identified as **defendant #2 Margarito GARCIA-Mondragon**, motioned to the four subjects to come towards him and sit down at some tables situated outside the Ralph's. GARCIA then used the payphone located outside the store. During this time GARCIA was looking around nervously. GARCIA then directed them to go towards the McDonald's restaurant. All four subjects headed towards the restaurant.

A few minutes later, Agents Gutierrez and Penagos observed GARCIA walking with two other subjects leading them into the Ralph's store. GARCIA exited the store a few minutes later without the other two subjects and placed another call using the payphone outside the Ralph's. Agent Penagos entered the Ralph's to see if the two subjects were still in the store. Agent Penagos observed the two subjects still inside pretending to shop. They seemed to just be walking around the store with no objective or intention to buy anything. Agents then observed GARCIA walk to the McDonald's. GARCIA also made a couple of more phone calls using the payphone outside of the McDonald's restaurant.

After conducting surveillance of the area for at least 30 to 45 minutes, Agents Gutierrez and Penagos observed a black Ford Explorer enter the area and park at the McDonald's parking lot. Agents Gutierrez and Penagos observed GARCIA approach the Explorer and open the passenger door and began talking to the driver later identified as defendant **Juan Jose TOVAR-Orozco,** a permanent resident alien living in Garden Grove, California. GARCIA then stepped outside of the vehicle and all six individuals loaded into the Explorer. GARCIA then closed the door and they began to leave the area. As they drove by Agent's Gutierrez and Penagos unmarked vehicle they were able to see TOVAR and talking with GARCIA in the front seat.

Ge

CONTINUATION OF COMPLAINT:
Def#1) Juan Jose TOVAR-Orozco,
Def#2) Margarito GARCIA-Mondragon

Agents Gutierrez and Penagos advised other SIG Agents in the area of their observations and conducted surveillance of the Explorer until a fully marked unit could conduct a vehicle stop for an immigration inspection. The Explorer exited the Ralph's parking lot. The Explorer then merged onto I-8 westbound where a marked Border Patrol vehicle driven Agent T. Zacharco conducted a vehicle stop. The Explorer yielded on I-8 and Main Street in El Cajon, CA. Agents Zacharco, Gutierrez, Penagos and M. Leal approached the vehicle and observed people lying down in the backseat and cargo area of the Explorer. They identified themselves as United States Border Patrol Agents and conducted an immigration inspection. All subjects except for TOVAR claimed to be citizens and nationals of Mexico without proper documentation allowing them to be or remain in the United States legally. TOVAR stated that he is a permanent resident alien. All subjects were placed under arrest and transported to the Chula Vista station for processing.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Miguel ALVAREZ-Ocampo, Catalino ARROYO,** and **Jose RAMIREZ-Espinoza** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay $500.00 to $1,500.00 (US) to be smuggled into the United States. All material witnesses were shown a photographic line up and were able to identify defendant #1 Juan Jose TOVAR-Orozco as the driver and defendant #2 Margarito GARCIA-Mondragon as the person who guided them into the United States illegally and who they made arrangements with in Mexico.